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for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE ASPEN COMPANY, HAROLD A. THAU,  
ROBERT E. COURSON,

Defendants.

Adv. Pro. No.10-05070 (SMB)

**STIPULATION REGARDING DISMISSAL OF CERTAIN CLAIMS**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Defendants The Aspen Company, Harold A. Thau, and Robert E. Courson, (individually and collectively, the “Defendants”), by and through their counsel, Milberg LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed the Complaint against the Defendants.
2. On December 2, 2011, the Trustee filed the Amended Complaint against the Defendants.
3. Defendants have yet to respond to the Trustee’s Amended Complaint.
4. On June 22, 2015, the United States Supreme Court denied the Trustee’s writ of certiorari regarding 11 U.S.C. § 546(e).
5. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, as incorporated by Rule 7041 of the Federal Rules of Bankruptcy Procedure, the Trustee’s claims in Counts Two through Six of the Amended Complaint are hereby dismissed with prejudice against Defendants in the above-captioned adversary proceeding. This Stipulation has no effect on the Trustee’s remaining Counts in the Amended Complaint.
6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: July 16, 2015

**BAKER & HOSTETLER LLP**

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